

February 13, 1955

Commission Gives Up of Huachuca Control

State Has No Power At Fort

PHOENIX, Feb. 12 (AP)—The Arizona Game and Fish Commission today withdrew objections to a bill designed to give the federal government jurisdiction over to Ft. Huachuca.

The commission voiced approval of the bill with a proposed amendment after a representative of the Sixth Army said in the final analysis the state had little or nothing to say about federally controlled land within its borders.

J. Otis Brown, legal representative from the Army's San Francisco headquarters, said the army would have no objection to the state reserving concurrent jurisdiction in the legislation. The army's chief interest in the measure was to clear the way for it to assume whatever jurisdiction the state wished to grant.

He said the prime purpose of the bill was to bring Ft. Huachuca under previous legislation giving jurisdiction over other military and federal land in the state. He said it also affected 38 other installations in the state because the federal government had not accepted jurisdiction over any until the legislation was cleared up.

"I do not believe we have jurisdiction on any installation in the state," he said. "Anyone could

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successfully contend in the courts that we have no jurisdiction."

At the same time, he added, "with or without jurisdiction, the commanding general of a post can keep your game wardens off."

He said this had been established in a U.S. Supreme Court case in 1928 in which the federal government sued the late Gov. W. P. Hunt of Arizona in a controversy over shooting deer on federal land. The Supreme Court ruled that the U.S. Constitution gave the federal government absolute jurisdiction.

"Whether your state game laws are applicable inside the boundaries of a federal reservation depends entirely on the will of the commanding officer," he said.

State Sen. Fred Dove (D-Cochise), who is sponsoring the bill in the Senate, suggested that if Brown had no objection the bill be amended to give the federal government concurrent jurisdiction and that the game commission seek signed agreements with the commanders of the various posts dealing with regulation of wildlife.

"You can reserve any rights you wish," Brown said. "I personally have no objection to concurrent jurisdiction and I'm sure it will be all right with the Army."

"California has a list of reservations as long as your arm, including the right to tax. But whether they ever collect taxes is another matter."

Dove said he understood a written agreement dealing with game on Ft. Huachuca was nearly complete and that he felt such agreements provided the best solution to the problem.

"Get the signature of the commanding officer on the dotted line," he said. "Then if there are any violations, we've got them over a barrel. That's the best way to protect the interests of Arizona."

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